

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

GOVERNMENT'S MOTION FOR MODIFICATION OF TERMS OF SUPERVISED RELEASE

The Government hereby moves that Defendant's conditions of supervised release be modified, without hearing, according to the terms set forth in the petition for modification filed with the Court on December 18, 2013 (R.179), and in support hereof, the Government states as follows:

1. On December 18, 2013, the United States Probation Office petitioned the Court for modification of Defendant's terms of Supervised Release. R. 179. The Court has set a hearing on that petition for February 6, 2014.
2. Defendant's current Probation Officer is Richard Wactor, who has notified the undersigned that Defendant reported to the Probation Office on January 30, 2014, at which time Defendant was read Probation Office Form PROB 49 ("Waiver of Hearing to Modify Conditions of Supervised Release and/or Extend Term of Supervision"). The form notified Defendant of the proposed modifications set forth in the original petition; those modifications are repeated in the Form PROB 49. A copy of the form (signed by Defendant) is attached hereto as Exhibit 1.

3. The undersigned AUSA has spoken to Clyde Kuehn (the current defense attorney of record in this matter), who has informed the undersigned that he advised Defendant to sign the modification form.

4. By signing Form PROB 49, Defendant voluntarily waived his right to appearance before the Court, and agreed to abide by the modification terms.

5. Attorney Kuehn has also informed the undersigned that he does not believe that a hearing on this matter is necessary in light of the fact that Defendant signed the form PROB 49, by which Defendant both waived a hearing on modification and agreed to the terms of modification as set forth in the petition. Probation Officer Wactor and the undersigned also believe that a hearing is not necessary.

6. The terms of modification set forth in the Petition and in Form PROB 49 are as follows:

The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.

The defendant shall participate in an approved sexual offender treatment program, as directed by the probation officer. If deemed necessary, the defendant shall submit to an approved, sexual-predator evaluation, as directed by the probation officer. The defendant shall abide by all rules, requirements, and conditions of the treatment program, including submission to polygraph and/or plethysmograph examination to determine compliance with the conditions of release. The defendant shall remain in the program until successfully completed, or until such time as the defendant is released from the program by the Court and/or probation officer. The defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. The defendant's financial obligation shall never exceed the total cost of services rendered.

The defendant shall not associate with persons under the age of 18 except in the presence of a responsible adult, who is aware of the nature of the defendant's background and current offense and who has been approved by the probation officer.

The defendant shall permit the probation officer to have access to any personal computer and/or electronic device capable of accessing the Internet, World Wide Web, and Electronic Mail. The defendant shall also allow the probation officer or designee to conduct regular searches of his computer and/or electronic device using

software monitoring devices if determined necessary by the probation officer. The defendant shall consent to third-party disclosure to any employer or potential employer, concerning any computer-related restrictions that may be imposed upon him. The defendant shall inform other residents or occupants of his home that computer systems will be subject to inspection by the probation officer and/or authorized contractor.

WHEREFORE, the Government prays that Defendant's terms of supervised release be modified, without hearing, to include the conditions set forth in the petition and in Probation Form PROB 49, as recited above and in the Petition and in Exhibit 1. The Government further prays that the Court strike the scheduled hearing from its docket.

Respectfully Submitted,

STEPHEN R. WIGGINTON
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Certificate of Service

I hereby certify that on February 4, 2014, I caused to be electronically filed
Government's Motion for Modification of Terms of Supervised Release with the Clerk of Court
using the CM/ECF system which will send notification of such filing(s) to the following:

Clyde Kuehn: clydekuenn@kuennlawfirm.com

and I hereby certify that on February 4, 2014, I caused to be electronically mailed, the document to the following non-registered participants:

Richard Wactor: Richard_Wactor@ilsp.uscourts.gov

Respectfully Submitted,

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